

a multimedia device. For example, Broussard et al. describes, "Suppose the user desires a volume increase. To accomplish this using the mouse, . . . First, presentation manager 99 (Fig. 3) determines which application, the cursor is currently being operated under, which window the cursor is being operated in, and which object in the window has been selected. In this example, the object is the audio controller volume increase button. PM 99 then sends a user interface message (Fig. 7) to the audio control instance which message identifies the object and the control action desired. In response to receiving the message, the audio control instance then performs the functions . . ." (Page 8, lines 15-25). Accordingly, Applicant respectfully submits that claims 1, 8, 12, and 16 are patentably distinct from the cited references, either alone or in combination.

The Office Action asserts that the Gregg et al. reference and the Broussard et al. reference can be combined together because, "By directly being able to make adjustment from the mouse by added electronics, this eliminates the need for software drivers which are not universally available and can become obsolete." However, Applicant notes that the Gregg et al. reference does not teach the use of a pointing device to directly control a multimedia device. In addition, the reference only allows a user to control a mouse's response. Moreover, the reference states that, "Specifically, dial 20 is used to adjust the mouse speed, and dial 22 is used to adjust the mouse acceleration." Further, the reference states that, "Speed refers to the basic sensitivity of device 10, i.e., how quickly the graphical pointer on the display screen will move in response to a given movement of mouse 10. In other words, when the mouse moves its minimum distance (one 'mickie'), the graphical pointer on the display will move a certain amount." (Column 3, lines 30-45).

In view of the above, Applicant submits that such combination of the references is improper in that there is no motivation to combine. Furthermore, the Gregg et al. reference teaches away from combination with Broussard et al. by its specific recitation of using the pointer device to control a mouse's response. Even if the combination were proper the mere assertion that the Gregg et al. reference can be combined with the Broussard et al. reference, because the Gregg et al. reference includes two dials on a mouse to control the mouse's response is insufficient to support a *prima facie* case of obviousness where no pointer device is employed to control a multimedia device. Applicant notes that there is no teaching or suggestion of the

specific elements of claims 1, 8, 12, and 16 as previously discussed. Accordingly, Applicant respectfully submits that the Office Action has not met the burden of establishing a *prima facie* case of obviousness, and that the rejection of claims 1, 8, 11, and 12 should be withdrawn.

As claims 2-7, 9-11, 13-15, 17, and 18 depend from and further define patentably distinct claims 1, 8, 12, and 16 these claims are also believed to be allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 2-7, 9-11, 13-15, 17, and 18.

Claims 6 and 9

Claims 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Broussard et al. in view of Gregg et al. as applied to claims 1 and 8 above and further in view of Frank (EP Patent No. 0 596 594). Applicant respectfully traverses this rejection.

The reference fails to teach elements of the claims, as stated above. Applicant further maintains that the integration of multimedia projects into a single shared system will not overcome the deficiency of the reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 6 and 9.

AMENDMENT AND RESPONSE

Serial Number: 08/904,056

Filing Date: July 31, 1997

Title: AUDIO AND VIDEO CONTROLS ON A POINTING DEVICE FOR A COMPUTER

Page 4

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CONCLUSION

Applicant believes the claims are in condition for allowance and requests reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 612-371-2115 to discuss any questions which may remain with respect to the present application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

TODD D. LINDSEY

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 371-2115

Date

2/9/00

By

Dwayne L. Bentley

Dwayne L. Bentley

P-45,947

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on February 9, 2000.

Name

JANA OTMAR

Signature

Jana C. Ott